

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the following remarks.

Claims 1-27 are pending. Claims 1-6, 9-14 and 17-22 have been amended. No new matter is added. Support for the amendments may be found, for example, on pages 2, lines 12-16; page 2, lines 3-15; page 24, lines 19-23 and Figs. 8 and 9. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to any particular aspect of the referenced embodiments.)

Claims 1-27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Cartonis et al. (U.S. Patent No. 6,584,501 B1) (hereinafter "Cartonis") in view of Ludwig et al. (U.S. Patent No. 6,351,762 B1)(hereinafter "Ludwig"), further in view of Cravo de Almeida (U.S. Publication No. 2002/0169871 A1)(hereinafter "Cravo"). It is respectfully submitted that the rejection of claims 1-27 is unfounded and should be withdrawn.

The present invention relates to a network monitoring system that monitors communication between a client and server and displays the type of operating system employed by the client, the type of operating system employed by the server, an account name of a user accessing the client, and an icon representing the account name. In an exemplary, but non-limiting, embodiment of the claimed subject matter illustrated by Applicants' Fig. 7, the operating system of a client (e.g., 2000 PRO), the operating system of a server (e.g., 2000 SVR), an account name of a user accessing the client (e.g., Kawasaki), and an icon representing the account name are displayed with information of an operational action involving the client and server (see specification page 20, line 7, through page 21, line 10). Thus, the invention provides a highly intuitive identification of a client and server and the operation in which they are engaged

and an icon representing a particular user's interaction with the client and server. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to any particular aspect of the referenced embodiments.)

1. Newly cited Cravo Reference Does Not Disclose Additional Objects or Associated Packets

The Office Action states that Cartsonis and Ludwig teach each feature of the Applicants' claimed invention except "wherein the additional objects includes the type of operating system employed by the client, the type of operating system employed by the server, an account name of a user accessing the client, and an icon representing the account name." However, the Office Action cites Cravo as allegedly disclosing these features.

The Applicant respectfully submits that Cravo also fails to teach or suggest the noted subject matter, based on the points set forth below.

Cravo generally relates to a method of automatically collecting data indicative of an operating state of a machine, and automatically transmitting information related to the collected data to a location remote from the machine. The information is transmitted in the form of electronic mail messages complying with a standard electronic mail messaging protocol. (See, Abstract). More specifically, the Office Action cites paragraph [0090] of Cravo as disclosing the aforementioned features. The paragraph states:

FIG. 36 shows a first panel 3600 of a user interface for agent software 24. Panel 3600 displays the version 3602 of the operating system, the name 3604, and the machine ID 3606 of the local server 12. Panel 3600 also contains information 3610 about the data retriever and information 3608 about the SMTP sender 54. The user may switch to a second panel 3700 (FIG. 37) by clicking on selector 3612.

The instant claimed invention, on the other hand, requires that "...the additional objects include...the type of operating system employed by the server...and an icon representing the account name." Cravo fails to disclose information displayed by the display unit that includes the type of operating system employed by the client and an icon representing the account name, as required by the instant claimed invention. Referring to Fig. 36 and paragraph [0090] of Cravo, only the version 3602, name 3604 and the machine ID 3606 of the local server are displayed. No information related to the client or an icon representing the account name (only the name itself, not an icon representative of the name, is shown) are displayed. Since Cravo fails to disclose each of the displayed information items, the reference (and/or combination of references) fails to obviate the instant claimed invention.

The instant claimed invention also requires that each action content consists of a group of associated packets. In the network in which the action content for explaining an action is divided into a plurality of packets, it is difficult to analyze the communication within the network. This is because no one action content can be acquired from a single packet if it is being monitored, and analysis of the communication within the network can not be performed.

Additionally, the Office Action states that "it would have been obvious...to have incorporate[d] Cartsonis-Ludwig's teachings to the teachings of Cravo de Almeida, for the purpose of monitoring and displaying information of the sender and the receiver (paragraph [0090])." Applicant respectfully disagrees.

As an initial matter, the Office Action does not apply to the appropriate standard for modification or combination of the references. The question is not whether the skilled artisan would have modified Cravo (the tertiary reference) with the teachings of Cravo (the primary

reference) and Ludwig (the secondary reference), but rather whether the skilled artisan would have modified the combined primary and secondary references with the teachings of the tertiary reference. For at least this reason, it is apparent that the rejection is inappropriate and should be withdrawn.

Moreover, the Office Action's reasons for the modification or combination of references, namely "for the purpose of monitoring and displaying information of the sender and receiver," does not provide a *prima facie* case of obviousness. The Office Action's argument states in effect that it would have been obvious to display information since the information is displayed. However, this statement does not provide any reason why the display of information in Cravo would have been used by the skilled artisan at the time of the invention to modify the teachings of Cartsonis and Ludwig. Therefore, the rejection is respectfully traversed.

## 2. Response to Remarks that Ludwig Clearly Discloses Continuous Play-back

The Office Action, in Response to Arguments on pages 2 and 3, states that the reproduced annotated snapshots of Ludwig are merely an exemplification of the disclosed feature, and that the reference clearly discloses QuickTime or Video for Windows clips that are "played" back via the Window-Event Record and Play System. Moreover, the Office Action states that the "replaying a user's interactions...by capturing the requests and events exchanged between the client program and the window system" in Ludwig "clearly anticipates" the continuous playback limitation in the instant claimed invention. Applicant respectfully disagrees.

The claims (claims 1, 9 and 17) have been amended to require that information is displayed by chronologically aligning the plurality of action contents to correspond to respective times when the action contents are actually communicated and additional objects are

superimposed on the association chart in a chronological order along with a real-time sequence of communication of the action contents. (See, for example, individual actions depicted in Figs. 8 and 9, and displayed by chronologically aligning the plurality of action contents to correspond to respective times when the action contents are actually communicated and the additional objects are superimposed on the association chart in a chronological order along with a real-time sequence of communication of the action contents at page 23, lines 1-5 and page 23, lines 19-23).

3. The Prior Art Reference to Ludwig Does Not Disclose Chronological Display with Real-Time Sequence

Ludwig does not teach or suggest the claimed feature of “information is displayed by chronologically aligning the plurality of action contents to correspond to respective times when the action contents are actually communicated and additional objects are superimposed on the association chart in a chronological order along with a real-time sequence of communication of the action contents,” as recited by the claimed invention (see, for example, claims 1, 9 and 17). In the Office Action, the Office argues that Ludwig teaches this claimed feature at col. 28, lines 48-65. However, col. 28, lines 48-65 of Ludwig state the following:

“Examples of time-sensitive media that can be stored on conventional file systems are small audio files and short or low-quality video clips (e.g., as might be produced using QuickTime or Video for Windows). Other examples include window event lists as supported by the Window-Event Record and Play system 512 shown in FIG. 30. This component allows for storing and replaying a user's interactions with application programs by capturing the requests and events exchanged between the client program and the window system in a time-stamped sequence. After this “record” phase, the resulting information is stored in a conventional file that can later be retrieved and “played” back. During playback the same sequence of window system requests and events reoccurs with the same relative timing as when they were recorded. In prior-art systems, this capability has been used for creating automated demonstrations. In the present invention it

can be used, for example, to reproduce annotated snapshots as they occurred at recording (emphasis added).”

Reproducing annotated snapshots is not the same as chronological display of information with a real-time sequence, as recited by claims 1, 9 and 17. Instead, reproducing annotated snapshots is a discretely-reproducing process, i.e., a process for reproducing by thinning out intermediate images, that does not involve the chronological display of any information in a real-time sequence. For example, displaying a PowerPoint presentation of 30 annotated screen shots extracted from a 2-hour movie is not the same as chronologically playing back the 2-hour movie itself. Nothing in Ludwig teaches or suggest anything about chronological reproduction of data, and in fact, Ludwig discloses using “Snapshot Share 514” (FIG. 30) for “capturing window or screen snapshots.” Col. 28, line 67- col. 9, line 6. Capturing window or screen snapshots, like reproducing annotated snapshots, does not teach or suggest the operation of chronological playing back information of a sequence in real-time as recited by claims 1, 9 and 17. “All words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP 2143.03. Moreover, the action contents are acquired by extracting associated packets from the packets within the network. Based on the acquired action contents, the additional objects can be displayed in a chronological order along with a real-time, thereby allowing the user to easily analyze the network (see, for example, Fig. 8 and page 24, lines 19-23 of the instant specification).

Since Ludwig fails to teach or suggest this recited feature of the claimed invention, and since none of the other references cure this deficiency of Ludwig, it is respectfully submitted that even if the references were combined as proposed in the Office Action, the result still would

have lacked the combination of features recited in claims 1, 9 and 17, and thus, the rejection of claims 1, 9 and 17 should be withdrawn for at least this reason as well.

Claims 2-8 and 25 depend on claim 1. Accordingly, it is respectfully submitted that the rejections of claims 2-8 and 25 should be withdrawn for at least the same reasons that the rejection of claim 1 should be withdrawn. Claims 10-16 and 26 depend on claim 9. Accordingly, it is respectfully submitted that the rejection of claims 10-16 and 26 should be withdrawn for at least the same reasons that the rejection of claim 9 should be withdrawn. Claims 18-24 and 27 depend on claim 17. Accordingly, it is respectfully submitted that the rejection of claims 18-24 and 27 should be withdrawn for at least the same reasons that the rejection of claim 17 should be withdrawn. Moreover, it is submitted that each of the pending dependent claims is allowable due to recitation of subject matter that provides an independent basis for individual allowability.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

/James Edward Ledbetter/

James E. Ledbetter  
Registration No. 28,732

Date: February 25, 2010  
JEL/KRS  
Attorney Docket No. 008612-03103  
Dickinson Wright PLLC  
1875 Eye Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 659-6960  
Facsimile: (202) 659-1559